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February 14, 2022

VIA CM/ECF

The Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. David Levy*, No. 1:16-cr-00640-BMC

Dear Judge Cogan:

We represent defendant David Levy in this matter. We write at the request of the Probation Department to adjourn the sentencing of Mr. Levy, currently scheduled for March 17, 2022. We also write to request a conference with your Honor at which the parties can address a briefing schedule for the other pending matters which we believe should be addressed and resolved in advance of a sentencing in this matter. These two issues are addressed briefly below.

1. Adjournment of the Sentencing Date

The Court scheduled Mr. Levy's sentencing for March 17, 2022. We promptly contacted the Probation Department and learned that Probation will need additional time to prepare the presentence report (the "PSR") relating to Mr. Levy. We were advised that the pandemic has caused significant delays in the preparation of PSRs, and that the assigned Probation Officer for Mr. Levy's case has not yet had an opportunity to begin her work. We further understand that an adjournment of at least four months is necessary to allow for the preparation of the PSR. In light of the above, the assigned Probation Officer requested that we contact Your Honor to request an adjournment of the sentencing date so that there is adequate time for Probation to prepare the PSR.

2. Request for a Conference

Currently pending before the Court is the request of Mr. Levy and Mr. Nordlicht for access to the grand jury minutes in this case, and for the establishment of a briefing schedule on defendants' motion relating to constructive amendment. That same briefing schedule can also cover any further submissions from the parties regarding the other post-trial motions the Court did not reach when it granted Mr. Levy's Rule 29 motion, provisionally granted his Rule 33 motion, and granted Mr. Nordlicht's Rule 33 motion.

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Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

s/ Michael S. Sommer

Michael S. Sommer
Morris J. Fodeman

Counsel to Defendant David Levy

cc: All Counsel of Record (via CM/ECF)